

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEANO MCCORT,

Plaintiff,

vs.

**Case No.: 2:17-cv-620
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

MUSKINGUM COUNTY, *et al.*,

Defendants.

ORDER

On January 30, 2018, the United States Magistrate Judge issued a *Report and Recommendation and Order* recommending that Defendant Love's Motion for Judgment on the Pleadings and Motion to Stay Discovery be granted and Plaintiff's discovery motions be denied as moot. (*See Report and Recommendation and Order*, Doc. 25). The parties were advised of their right to object to the *Report and Recommendation and Order*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (*See* Doc. 28). Defendant has responded in opposition and Plaintiff has replied. (Docs. 29 and 30).¹ The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's objections present, once again, the issues presented to and considered by the Magistrate Judge in the *Report and Recommendation and Order*. Specifically, Plaintiff continues to argue that Defendant Love conspired with the other Defendants "to make the original assault worse by allowing him to remain in a state of extreme pain." (Doc. 28, Pl.'s

¹ Defendant asserts that Plaintiff's objections should be denied as untimely because they were filed 3 days late. Plaintiff responds that the prison inspection system caused a delay in mailing. The Court finds that this delay is excusable and will therefore consider Plaintiff's objections.

Objs. at 3). Defendant Love responds that Plaintiff's Complaint fails to allege specific claims against him and again, in his objections, he fails to cite to claims in the record that would withstand a motion for judgment on the pleadings. The Court agrees with the Magistrate Judge's conclusion that Plaintiff "fails to plead factual content that would allow the reasonable inference that Defendant Love is liable for the misconduct alleged." (Doc. 25 at 5).

Therefore, for the reasons stated in the *Report and Recommendation and Order*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation and Order*, ECF No. 25, is **ADOPTED** and **AFFIRMED**. Defendant Love's Motion for Judgment on the Pleadings and Motion to Stay Discovery are hereby **GRANTED** and Plaintiff's discovery motions are **DENIED AS MOOT**.

The Clerk shall remove Documents 15, 25, and 28 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT